IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7090 of 2005

Between:

A.K.Swamy, s/o Seshaiah,
APSRTC, Kurnool-I Depot, Kurnool District.

..... PETITIONER

AND

The Depot Manager, APSRTC, Kurnool-I Depot, Kurnool District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent in issuing the impugned order No.01/114(23)/04-KNL-1 dated 07-02-2005 wherein ordering for recovery of Rs.13,860/- in 25 instalments from the current month salary bill as being illegal, arbitrary, discriminatory, unwarranted against the principles of natural justice, apart from violative of Articles 14, 16 of the Constitution of India and consequently set aside.

Counsel for the Petitioner:MR.K.VISWANATHAM

Counsel for the Respondent: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following O R D E R:

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION No.7090 OF 2005

-

O R D E R:

The petitioner challenges the impugned proceedings dated 07.02.2005, whereunder the second respondent ordered to recover the cost of consignment.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondent.

Admittedly, a statutory appeal lies to the Divisional Manager against the order of the Depot Manager, second respondent. Since it is not the case of the petitioner that principles of natural justice are violated or the fundamental rights are infringed or the authority who passed the impugned proceedings has no jurisdiction, the writ petition is disposed of directing the petitioner to file an appeal before the appellate authority. However, the petitioner can raise all the issues before the appellate authority, which are available to him under law.

Accordingly, the writ petition is disposed of. No costs.

_____

(K.C.BHANU,J)

Dt:1st April, 2005

Note:Furnish copy by Monday

bo

usd

To

1. The Depot Manager, APSRTC, Kurnool-I Depot, Kurnool District.

2 Two CD copies.